

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

County of Kern,

Complainant,

vs.

Case 03-02-028

Union Pacific Railroad Company,

Defendant.

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING PREHEARING CONFERENCE**

BACKGROUND

On February 21, 2003, The County of Kern (County) filed a complaint alleging that the Union Pacific Railroad Company (Union Pacific) had failed to maintain the Fresno Sub Main Line Famoso Road crossing to Commission standards. County requested a Commission order directing Union Pacific, at its own expense, to design and construct necessary improvements to the crossing.

On March 28, 2003, Union Pacific filed its answer to the complaint. Union Pacific denied that it had failed to maintain the crossing and offered five separate affirmative defenses. Union Pacific also offered a copy of an agreement between it and the County, dated August 25, 1998, whereby the parties agreed that the County would repave Famoso road up to the track tie ins on either side

of the crossing. Union Pacific contended that this agreement addressed which party was responsible for repairing the crossing.

Meet and Confer

Prior to the Prehearing Conference scheduled below, the parties shall meet and confer regarding the potential for factual or legal stipulations, or any other means to narrow the issues in this proceeding. The parties should also discuss scheduling issues and endeavor to prepare a mutually agreed upon proposed schedule.

Prehearing Conference

A prehearing conference is scheduled for:

**Tuesday, May 6, 2003
10:00 a.m.
Commission's Hearing Room
505 Van Ness Avenue
San Francisco, California**

Therefore, **IT IS RULED** that a prehearing conference will be held at the date and time set out above.

Dated April 16, 2003, at San Francisco, California.

/s/ Maribeth A. Bushey
Maribeth A. Bushey
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated April 16, 2003, at San Francisco, California.

/s/ Antonina V. Swansen

Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.